

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number:

10/699212

CLAIMS AS FILED - PART I			SMALL ENTITY		OTHER THAN SMALL ENTITY	
FOR	(Column 1)	(Column 2)	RATE	FEE	RATE	FEE
BASIC FEE (37 CFR 1.16(a))				\$395		\$790.00
TOTAL CLAIMS (37 CFR 1.16(c))	32	minus 26 = 6	x \$ 25	150	x \$ 92	300.00
INDEPENDENT CLAIMS (37 CFR 1.16(b))	3	minus 3 = 0	x \$ =		x \$ =	
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))			+ \$ =		+ \$ =	
TOTAL			TOTAL	545	TOTAL	1090.00

CLAIMS AS AMENDED - PART II					SMALL ENTITY		OTHER THAN SMALL ENTITY		
AMENDMENT A	(Column 1)	(Column 2)	(Column 3)	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
Total (37 CFR 1.16(c))		minus			=	x \$ =		x \$ =	
Independent (37 CFR 1.16(b))		minus			=	x \$ =		x \$ =	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))						+ \$ =		+ \$ =	
TOTAL ADD'L FEE						TOTAL ADD'L FEE		TOTAL ADD'L FEE	

AMENDMENT B					SMALL ENTITY		OTHER THAN SMALL ENTITY	
(Column 1)	(Column 2)	(Column 3)	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
Total (37 CFR 1.16(c))		minus		=	x \$ =		x \$ =	
Independent (37 CFR 1.16(b))		minus		=	x \$ =		x \$ =	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))						+ \$ =		+ \$ =
TOTAL ADD'L FEE						TOTAL ADD'L FEE		TOTAL ADD'L FEE

AMENDMENT C					SMALL ENTITY		OTHER THAN SMALL ENTITY	
(Column 1)	(Column 2)	(Column 3)	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
Total (37 CFR 1.16(c))		minus		=	x \$ =		x \$ =	
Independent (37 CFR 1.16(b))		minus		=	x \$ =		x \$ =	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))						+ \$ =		+ \$ =
TOTAL ADD'L FEE						TOTAL ADD'L FEE		TOTAL ADD'L FEE

- \* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20"
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3"
- The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to be used by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection of information is not to be used for any other purpose, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

BEST AVAILABLE COPY



*24 22W*

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/699,212 Confirmation No.: 2780  
Applicant : David R. Hennings et al.  
Filing Date : October 30, 2003  
Title : Endovenous Closure of Varicose Veins with Mid Infrared Laser  
Group Art Unit : 3739  
Examiner : David M. Shay  
Docket No. : 15487.4002  
Customer No. : 34313

Commissioner for Patents  
Mail Stop RCE  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

I. Submission required under 37 CFR § 1.114

A. ☐ Previously submitted

1. ☐ Consider the amendment(s)/reply under 37 CFR § 1.116 previously filed on \_\_\_\_\_

2. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

3. ☐ Other \_\_\_\_\_

B. ☒ Enclosed

1. ☒ Amendment/Reply

2. ☐ Affidavit(s)/Declarations(s)

3. ☐ Information Disclosure Statement (IDS)

4. ☐ Other \_\_\_\_\_

CERTIFICATE OF MAILING  
37 CFR § 1.8

I hereby certify, pursuant to 37 CFR § 1.8, that I have reasonable basis to expect that that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the United States Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 23, 2005

*Lynne Fulmer*  
Lynne Fulmer

DOCSOC1:164337.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/699,212 Confirmation No.: 2780  
Applicant : David R. Hennings et al.  
Filing Date : October 30, 2003  
Title : Endovenous Closure of Varicose Veins with Mid Infrared Laser  
Group Art Unit : 3739  
Examiner : David M. Shay  
Docket No. : 15487.4002  
Customer No. : 34313

Mail Stop AMENDMENT  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND REPLY**

Sir:

In response to the Office Action dated December 3, 2004, please amend the above-identified application as follows:

06/28/2005 JBALINAH 00000065 150665 10699212

02 FC:1202 350.00 DA  
2262 ⑥ 150.00

06/28/2005 JBALINAH 00000065 150665 10699212  
02 FC:1202 350.00 DA  
2262 ⑥ 150.00

**CERTIFICATE OF MAILING (37 CFR §1.8)**

I hereby certify, pursuant to 37 CFR §1.8, that I have reasonable basis to expect that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the United States Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Dated: June 23, 2005

Lynne Fulmer

DOCSOC1:164338.1

Applicant : David R. Hennings et al.  
Appl. No. : 10/699,212  
Examiner : David M. Shay  
Docket No. : 15487.4002 (Formerly NSL-501)

varicose vein treatment companies was not confined to the wavelength produced by a specific type, e.g., Nd:YAG laser, but rather a wide variety of wavelengths was available. With this freedom of choice, these commercial entities focused on the energy absorption characteristics of hemoglobin and chose wavelengths in the range of 810 nm to 980 nm.

What it boils down to is this: The efforts by prior art and contemporary workers to devise a laser treatment for varicose veins has used the energy absorption characteristics of hemoglobin as a guide to choosing the wavelength of the laser to be used whereas applicants have used the energy absorption in the characteristics of water as the primary guide to choice of wavelength. It is respectfully submitted that applicants' departure from the paths traveled by prior art and contemporary workers who had the same objective as applicants is compelling evidence of nonobviousness. Thus, it is believed that the claims of the present application are directed to patentable subject matter.

Applicant's believe that this case is in condition for allowance and a favorable action is respectfully solicited.

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe's Deposit Account No. 15-0665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

By:   
James W. Geriak, Reg. No. 20,233

Dated: June 23, 2005

ORRICK, HERRINGTON & SUTCLIFFE LLP  
4 Park Plaza, Suite 1600  
Irvine, CA 92614  
949/567-6700 Telephone; 949/567-6710 Facsimile